REMARKS/ARGUMENTS

The office action of February 28, 2005 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 25, 26, 28 and 29 are pending. Claims 1-24 and 27 were previously canceled without prejudice or disclaimer.

Claims 25-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 5,809,331 to Staats et al. ("Staats '331") in view of U.S. patent no. 5,339,432 to Crick ("Crick"). Claims 28-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Staats '331 in view of Crick and further in view of U.S. patent no. 5,815,678 to Hoffman et al. ("Hoffman"). Applicants respectfully traverse these rejections.

The action alleges that Staats '331 discloses all the features of independent claim 26, but for prompting a user to manually load a device driver compatible with the operating system, if neither a device driver nor a pointer to a device driver compatible with the operating system running on the computer is stored in non-volatile memory. To overcome this deficiency, the action relies on Crick.

To show the feature of the pointer including a uniform resource locator (URL), the action relies on col. 6, lines 15-30 of Staats '331. Contrary to the action's assertion however, Staats '331 is wholly devoid of a teaching or suggestion of a pointer including a URL. Indeed, Staats '331 discloses nothing more than a method for searching the configuration ROMS of the nodes on the serial bus. Crick fails to overcome this deficiency. Notwithstanding the propriety of the combination, applicants submit that the combination of Staats '331 and Crick does not result in the invention of claim 26. Claim 25, which depends from claim 26, is patentably distinct for at least the same reason as claim 26.

Independent claim 29 also calls for, among other features, the pointer including a URL. To show this feature, the action again relies on Staats '331. As discussed with respect to claim 26, neither Staats '331 nor Crick teach or suggest the pointer including a URL. Hoffman does not remedy this defect. Hence, even assuming, but not admitting, that the combination of Staats '331, Crick and Hoffman is proper, it does not result in the claim 29 combination of features.

Claim 28, which depends from claim 29, is patentably distinct for at least the same reason as claim 29.

The undersigned contacted the Examiner to discuss the aforementioned differences. The Examiner agreed that Staats '331 did not teach or suggest a pointer including URL and that the combination of Staats '331 and Crick did not result in the invention recited in claims 25, 26, 28 and 29. However, the Examiner acknowledged that he meant to cite to col. 6, lines 1-30 of U.S. patent no. 5,968,152 to Staats ("Staats '152") to show this feature and apply Staats '152 in combination with Crick.

Applicants pointed out during the telephonic interview that Staats '152 teaches away from a modification of prompting a user to manually load a device driver compatible with the operating system, if neither a device driver nor a pointer to a device driver compatible with the operating system running on the computer is stored in non-volatile memory as recited in claim 26. Notably, Staats '152 asserts that "each device (or unit) of computer system 50 must be able to provides its own device driver so that an operating system can load and use that driver *without the need for manual driver installation.*" Col. 6, lines 17-20 (emphasis supplied). As such, one skilled in the art would not have been motivated to modify Staats '152 to ever prompt a user to manually load a device driver.

In addition, the motivation applied in the action to combine Staats '331 and Crick does not apply. The motivation asserted in the action was "to allow a user to select and configure a device driver because by doing so allows the user to upgrade a device driver without having to configure any arcane and poorly documented system configuration settings." However, one of the benefits of using a URL is that a user can access the latest version of the device driver. As such, since Staats '152 describes providing device drivers referenced by a URL, one would not have modified Staats '152 with Crick for the reason asserted in the action to prompt a user to manually load a device driver.

Moreover, Crick is directed toward configuring a device driver rather than loading the device driver. Thus, the combination of Crick with Staats '331, even if proper, would not have resulted in the invention of claims 26 and 29.

For at least the aforementioned reasons, claims 26 and 29 and claims 25 and 28, which respectively depend therefrom, are patentably distinguishable from the art of record. The Examiner is invited to contact the undersigned to discuss this matter further.

CONCLUSION

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.
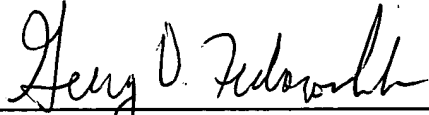
All objections and rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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